



#5

DECLARATION Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **NOVEL IMMUNOADHESINS FOR TREATING AND PREVENTING VIRAL AND BACTERIAL DISEASES** the specification of which

(Check One)

☐ is attached hereto OR

☒ was filed on October 26, 2001, as United States Application Serial No. 10/047,542; PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No
PCT/US01/13932	PCT	April 28, 2001	X	

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

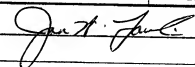
Application Number(s)	Filing Date
60/200,298	April 28, 2000

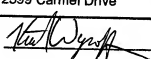
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Residence, post office address, citizenship and signature of inventor(s) set forth beginning on next page.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name James	MIDDLE Initial William	LAST Name Larrick	
	RESIDENCE & CITIZENSHIP	City Woodside	State or Foreign Country CA		Country of Citizenship USA
	POST OFFICE ADDRESS	Star Route Box #48	City Woodside	State or Country CA	Zip Code 94062
INVENTOR'S SIGNATURE 			DATE <u>5-7-2002</u>		

202	FULL NAME OF INVENTOR	FIRST Name Keith	MIDDLE Initial Lynn	LAST Name Wycoff	
	RESIDENCE & CITIZENSHIP	City Palo Alto	State or Foreign Country California		Country of Citizenship USA
	POST OFFICE ADDRESS	2399 Carmel Drive	City Palo Alto	State or Country California	Zip Code 94303
INVENTOR'S SIGNATURE 			DATE <u>5/7/2002</u>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1614

Examiner: (TBD)

Filed: October 26, 2001

**For: NOVEL IMMUNOADHESINS FOR
TREATING AND PREVENTING
VIRAL AND BACTERIAL
DISEASES**

GRANT OF POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Sir:

As representative of the assignee of an entire interest in the above-identified application, the undersigned hereby appoints as attorney for the assignee herein, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, John M. Benassi, Reg. No. 27,483; Richard L. Blaylock, Reg. No. 43,503; Diana L. Bush, Reg. No. 51,109; Bradford J. Duft, Reg. No. 32,219; Jeffrey W. Guise, Reg. No. 34,613; Michael Hostetler, Reg. No. 47,664; Lee Hsu, Reg. No. 39,716; Kurt M. Kjelland, Reg. No. 41,901; Stephen S. Korniczky, Reg. No. 34,853;

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 21, 2002

Date of Deposit
SPILIBIVB0%370835.01

Jill C. Youkel
Name of Person Mailing Page

Signature of Person Mailing Paper _____

Hsu, Reg. No. 39,716; Kurt M. Kjelland, Reg. No. 41,901; Stephen S. Korniczky, Reg. No. 34,853; Edward O. Kreusser, Reg. No. 38,523; F.T. Alexandra Mahaney, Reg. No. 37,668; Lisa M. McGeehan, Reg. No. 41,185; Julia A. Miller, Reg. No. 48,086; Peter R. Munson, Reg. No. 43,821; Douglas C. Murdock, Reg. No. 37,549; Vicki G. Norton, Reg. No. 40,745; Douglas E. Olson, Reg. No. 22,798; Richard H. Pagliery, Reg. No. 44,276; John E. Peterson, Reg. No. 45,894; Jonathan L. Pettit, Reg. No. 40,770; Franklin D. Ubell, Reg. No. 27,009; Peter D. Weinstein, Reg. No. 43,251; Anatoly Weiser, Reg. No. 43,229; Howard N. Wisnia, Reg. No. 37,502; Jessica R. Wolff, Reg. No. 37,261, of Brobeck, Phleger & Harrison LLP, 12390 El Camino Real, San Diego, California 92130-2081; telephone (858) 720-2500.

Respectfully submitted,

PLANET BIOTECHNOLOGY, INC.

Dated: May 10 2002

By:

William L. Lerman
Title: President & CEO

PLANET BIOTECHNOLOGY, INC.
25571 Clawiter Road
Hayward, California 94545



PTO/SB/06/08-00

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Planet Biotechnology, Inc.
 Application No./Patent No.: 10/047,542 Filed/Issue Date: October 26, 2001
 Entitled: NOVEL IMMUNOADHESINS FOR TREATING AND PREVENTING VIRAL AND BACTERIAL DISEASES
Planet Biotechnology, Inc. a Corporation
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. [X] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: James W. Larick To: Planet Biotechnology, Inc.
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 2. From: Keith L. Wycoff To: Planet Biotechnology, Inc.
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

- [X] Copies of assignments or other documents in the chain of title are attached.
 (NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

13 May 2002
 Date

Elliott L. Fineman

Typed or printed name

Signature

President & CEO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ASSIGNMENT

For valuable consideration, I, JAMES WILLIAM LARRICK of Woodside, California and a citizen of the United States of America (hereinafter referred to as "Assignor") hereby assign to PLANET BIOTECHNOLOGY INCORPORATED, a corporation organized and existing under and by the virtue of the laws of the State of California and having a place of business at 25571 Clawiter Road, Hayward, California 94545, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are the subject of international application number PCT/US01/13932, entitled **NOVEL IMMUNOADHESIN FOR THE PREVENTION OF RHINOVIRUS INFECTION**, and United States Patent Application Serial No. 10/047,542 entitled **NOVEL IMMUNOADHESIN FOR TREATING AND PREVENTING VIRAL AND BACTERIAL DISEASES**, and all related applications and patents, this assignment including said applications and any and all United States and foreign patents granted for any of said inventions or improvements, including all divisions, continuations, reissues, continuations-in-part and extensions thereof, and the right to claim priority based on the filing dates of said applications and based on the filing dates of any provisional applications of which said applications claim the benefit under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my or its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and I agree for myself and my heirs, legal representatives and assigns, without further compensation, upon request to perform such lawful acts, to promptly provide Assignee with all pertinent facts and documents relating to said invention or application as may be known and accessible to me, to testify in any interference or litigation related to said invention or application and to sign such further applications, assignments,

Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

The Assignor hereby covenants that no assignment, sale, agreement, or encumbrance has been or will be made or entered into which would conflict with this Agreement.

WITNESS my hand at Los Altos, CA.
this 5th day of May, 2002.

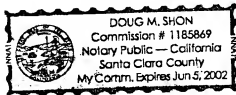
James William Larrick
JAMES WILLIAM LARRICK

STATE OF Ca)
COUNTY OF San Jose) ss

On 8 May 02 before me, DOUG M. SHON, personally appeared
JAMES WILLIAM LARRICK

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



DOUG M. SHON
Notary Public in and for said County and State

ASSIGNMENT

For valuable consideration, I, KEITH LYNN WYCOFF of Palo Alto, California and a citizen of the United States of America (hereinafter referred to as "Assignor") hereby assign to PLANET BIOTECHNOLOGY INCORPORATED, a corporation organized and existing under and by the virtue of the laws of the State of California and having a place of business at 25571 Clawiter Road, Hayward, California 94545, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are the subject of international application number PCT/US01/13932, entitled NOVEL IMMUNOADHESIN FOR THE PREVENTION OF RHINOVIRUS INFECTION, and United States Patent Application Serial No. 10/047,542 entitled NOVEL IMMUNOADHESIN FOR TREATING AND PREVENTING VIRAL AND BACTERIAL DISEASES, and all related applications and patents, this assignment including said applications and any and all United States and foreign patents granted for any of said inventions or improvements, including all divisions, continuations, reissues, continuations-in-part and extensions thereof, and the right to claim priority based on the filing dates of said applications and based on the filing dates of any provisional applications of which said applications claim the benefit under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my or its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and I agree for myself and my heirs, legal representatives and assigns, without further compensation, upon request to perform such lawful acts, to promptly provide Assignee with all pertinent facts and documents relating to said invention or application as may be known and accessible to me, to testify in any interference or litigation related to said invention or application and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

The Assignor hereby covenants that no assignment, sale, agreement, or encumbrance has been or will be made or entered into which would conflict with this Agreement.

WITNESS my hand at Hayward California
this 10TH day of May, 2001.
2002

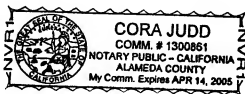
Keith Lynn Wycoff
KEITH LYNN WYCOFF

STATE OF California)
COUNTY OF Alameda) ss

On May 10, 2002 before me, Cora Judd, personally appeared
KEITH LYNN WYCOFF

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Cora Judd
Notary Public in and for said County and State